IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE G. BHAVANI
PRASAD

TAKEN UP WRIT PETITION NO.1356 OF 2007

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Dated : February 8, 2007

Between:

Mudhavath Heeri

Petitioner

AND

The Station House Officer,
Thimmajipeta Police Station,
Prathipadu, Mahboobnagar District
and others

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE G. BHAVANI
PRASAD

TAKEN UP WRIT PETITION NO.1356 OF 2007

ORAL ORDER: **(per the Hon'ble Mr. Justice D.S.R.Varma)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a 'petition', dated 22.12.2006, which was received on 22.01.2007, by one Mudavath Heeri, W/o. Mudavath Gamiya, R/o. Ippalapally Thanda, Thimmajipet Mandal, Mahaboobnagar District, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that her husband and her relatives by name Mudavath Boru, Mudavath Buddu, Mudavath Ramesh and Islavath Shanker and their wives were illegally detained by the Police, Thimmajipet Police Station, Mahaboobnagar District, from 18.12.2006, and beat them indiscriminately at Jadcherla Police Station, she is apprehending danger to their lives his life, and requested this Court to set them at liberty forthwith.

3. In response to the notices, issued by this Court, the first respondent – Sub-Inspector of Police, Thimmajipet Police Station, filed counter-affidavit stating, *inter alia*, that the alleged detenus are accused in Cr.No.82 of 2006 for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code, registered at Thimmajipet Police Station, on 17.12.2006; that, on 17.12.2006, basing on the complaint lodged by one Mudavath Sakri, initially, a case was registered under the heading 'Man Missing' and investigation was taken up; that during the course of investigation, the

complainant stated that while making search for her husband, she found his corpse under a fodder heap in the agricultural field of one Emula Nagaiah, resident of Marikal. The other details of the said offence, since not relevant, are not being referred to.

4. It is further stated in the counter-affidavit that, during the course of investigation, on 27.12.2006 at about 12.30 p.m., the Circle Inspector of Police, Jadcherla, apprehended the accused Nos.1 and 2, who are no other than the alleged detenue Nos.1 and 5, at Railway Station, Jadcherla; that, on the same day, at 5.30 p.m., the other accused 3 to 5, who are no other than the alleged detenue Nos.2 to 4 were apprehended at New Bus Stand, Jadcherla; that they were produced before the Judicial Magistrate of First Class, Nagarkurnool, on 28.12.2006, who remanded them to judicial custody and, consequently, all the detenus were lodged in the Sub-Jail, Nagarkurnool. It is further stated that on 12.1.2007, the learned Sessions Judge, Mahaboobnagar, enlarged the alleged detenus on regular bail.

5. In view of the revelations in the counter-affidavit, we do not find any truth in the allegations made by the petitioner, the writ petition fails and is liable to be dismissed.

6. Accordingly, the writ petition is dismissed, at the stage of admission. However, there shall be no order as to cost.

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D.S.R.Varma, J.

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G.Bhavani Prasad, J.

07TH FEBRUARY 2007
MAS/KRK